

Executive Summary – Enforcement Matter – Case No. 44192

City of Laredo

RN101608545

Docket No. 2012-1063-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Laredo Jefferson WWTF, 2519 Jefferson Street, adjacent to the Rio Grande, Laredo, Webb County

Type of Operation:

Water treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 1, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,233

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,233

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 44192
City of Laredo
RN101608545
Docket No. 2012-1063-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: March 21, 2012
Date(s) of NOE(s): April 25, 2012

Violation Information

Failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending April 30, 2011; May 31, 2011; June 30, 2011; July 31, 2011; November 30, 2011; and December 31, 2011 [TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System Permit No. WQ0010681001, Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By May 16, 2012, Respondent submitted the DMRs for the monitoring periods ending April 30, 2011; May 31, 2011; June 30, 2011; July 31, 2011; November 30, 2011; and December 31, 2011.

Technical Requirements:

The Order will require Respondent to:

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the timely submittal of signed and certified monthly DMRs; and
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division, Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A

Executive Summary – Enforcement Matter – Case No. 44192
City of Laredo
RN101608545
Docket No. 2012-1063-MWD-E

Respondent: The Honorable Raul Salinas, Mayor, City of Laredo, P.O. Box 2950,
Laredo, Texas 78044

Thomas M. Rodriguez, Jr., Director, Utilities Department, City of Laredo, P.O. Box
2950, Laredo, Texas 78044

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned PCW

30-Apr-2012
29-Jun-2012

Screening 14-May-2012

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of Laredo
Reg. Ent. Ref. No. RN101608545
Facility/Site Region 16-Laredo **Major/Minor Source** Major

CASE INFORMATION

Enf./Case ID No. 44192 **No. of Violations** 1
Docket No. 2012-1063-MWD-E **Order Type** Findings
Media Program(s) Water Quality **Government/Non-Profit** Yes
Multi-Media **Enf. Coordinator** Jennifer Graves
EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum \$0 **Maximum** \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$400

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 37.0% Enhancement **Subtotals 2, 3, & 7** \$148

Notes Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, and one order without denial.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$40
Approx. Cost of Compliance \$400
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$548

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$548

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$548

DEFERRAL

0.0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$548

Screening Date 14-May-2012

Docket No. 2012-1063-MWD-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 44192

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101608545

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, and one order without denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 37%

Screening Date 14-May-2012

Docket No. 2012-1063-MWD-E

PCW

Respondent City of Laredo

Policy Revision 2 (September 2002)

Case ID No. 44192

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101608545

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System Permit No. WQ0010681001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the discharge monitoring reports ("DMRs") for the monitoring periods ending April 30, 2011 through July 31, 2011, by the 20th day of the following month, as documented during a record review conducted on March 21, 2012.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 4

360 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$400

Four single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$548

This violation Final Assessed Penalty (adjusted for limits) \$548

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 44192
Reg. Ent. Reference No. RN101608545
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	11-Apr-2011	28-Feb-2013	1.89	\$2	\$31	\$33
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	20-May-2011	16-May-2012	0.99	\$7	n/a	\$7

Notes for DELAYED costs

The estimated cost to update operational guidance and conduct employee training to ensure that all reporting requirements are met. Date required is the investigation date. Final date is the expected date of compliance. The estimated cost to prepare and submit the DMRs (\$25 x 6 DMRs = \$150). Date required is the date the first DMR was due. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$40



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned PCW

30-Apr-2012
29-Jun-2012

Screening 14-May-2012

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of Laredo

Reg. Ent. Ref. No. RN101608545

Facility/Site Region 16-Laredo

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 44192

Docket No. 2012-1063-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 1

Order Type Findings

Government/Non-Profit Yes

Enf. Coordinator Jennifer Graves

EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

37.0% Enhancement

Subtotals 2, 3, & 7 \$185

Notes

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, and one order without denial.

Culpability

No

0.0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$0

Economic Benefit

Total EB Amounts

\$0

Approx. Cost of Compliance

\$0

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$685

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$685

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$685

DEFERRAL

0.0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$685

Screening Date 14-May-2012

Docket No. 2012-1063-MWD-E

PCW

Respondent City of Laredo

Policy Revision 3 (September 2011)

Case ID No. 44192

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101608545

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
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Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 37%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, and one order without denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 37%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 37%

Screening Date 14-May-2012

Docket No. 2012-1063-MWD-E

PCW

Respondent City of Laredo

Policy Revision 3 (September 2011)

Case ID No. 44192

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101608545

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System Permit No. WQ0010681001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the discharge monitoring reports for the monitoring periods ending November 30, 2011 and December 31, 2011, by the 20th day of the following month, as documented during a record review conducted on March 21, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

70% of the permit requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

136 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$685

This violation Final Assessed Penalty (adjusted for limits) \$685

Economic Benefit Worksheet

Respondent City of Laredo

Case ID No. 44192

Reg. Ent. Reference No. RN101608545

Media Water Quality

Violation No. 1

Percent Interest 5.0

Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1 on accompanying Penalty Calculation Worksheet.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600131908 City of Laredo Classification: AVERAGE Rating: 1.99
Regulated Entity: RN101608545 CITY OF LAREDO JEFFERSON WWTF Classification: AVERAGE Site Rating: 1.14
ID Number(s): STORMWATER PERMIT TXR15PC17
WASTEWATER PERMIT WQ0010681001
WASTEWATER EPA ID TX0002542
WASTEWATER LICENSING LICENSE WQ0010681001
Location: 2519 JEFFERSON ST, ADJACENT TO THE
RIO GRANDE IN LAREDO, WEBB CO, TX
TCEQ Region: REGION 16 - LAREDO
Date Compliance History Prepared: May 17, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 17, 2007 to May 17, 2012
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Jennifer Graves Phone: (956) 430-6023

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 10/06/2008 ADMINORDER 2007-0441-MLM-E
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Section II. H. PERMIT
Description: Failed to submit the annual sludge report to the Commission by September 1, 2006.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 04/30/2012 (1003420)
- 2 04/30/2012 (1003421)
- 3 04/30/2012 (1003422)
- 4 04/30/2012 (1003423)
- 5 04/30/2012 (1003424)
- 6 04/30/2012 (1003425)

7	06/20/2007	(574794)
8	07/20/2007	(601427)
9	08/20/2007	(601429)
10	08/20/2007	(601430)
11	08/23/2007	(601431)
12	09/21/2007	(601432)
13	08/20/2007	(601433)
14	02/28/2008	(617685)
15	10/15/2007	(619348)
16	11/19/2007	(619349)
17	12/17/2007	(619350)
18	02/21/2008	(671846)
19	02/25/2008	(671847)
20	03/03/2008	(689773)
21	04/22/2008	(689774)
22	07/24/2008	(689775)
23	07/24/2008	(689776)
24	07/28/2008	(710518)
25	09/26/2008	(710519)
26	09/26/2008	(710520)
27	12/29/2008	(727330)
28	12/29/2008	(727331)
29	12/29/2008	(727332)
30	02/26/2009	(750055)
31	01/20/2009	(750056)
32	03/26/2009	(768215)
33	05/21/2009	(768216)
34	05/21/2009	(768217)
35	12/22/2009	(784708)
36	07/21/2009	(804177)

37 07/09/2009 (804178)
 38 08/19/2009 (804179)
 39 09/23/2009 (804180)
 40 10/19/2009 (804181)
 41 01/08/2010 (804182)
 42 01/08/2010 (804183)
 43 05/24/2010 (830692)
 44 05/24/2010 (830693)
 45 05/24/2010 (830694)
 46 05/24/2010 (830695)
 47 05/24/2010 (830696)
 48 07/08/2010 (860804)
 49 10/28/2010 (871710)
 50 11/29/2010 (887974)
 51 03/04/2011 (924689)
 52 03/21/2011 (924690)
 53 04/20/2011 (924691)
 54 03/04/2011 (924692)
 55 03/04/2011 (924693)
 56 09/22/2011 (965273)
 57 11/15/2011 (977473)
 58 11/15/2011 (977474)
 59 04/26/2012 (995126)
 60 02/13/2012 (997906)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/08/2008	(617685)	CN600131908
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(11)(B) 30 TAC Chapter 305, SubChapter F 305.125(11)(C) PART II (H) PERMIT		
Description:	Failure to submit the annual sludge reports as required by the permit.		

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(i)
Description: Failure to properly maintain ponds.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to adequately maintain sludge disposal records.

Date: 07/31/2008 (710519) CN600131908
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/28/2010 (871710) CN600131908
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Monitoring and Reporting Requirements 1 PERMIT
Description: Failure to submit the monthly effluent report as required.

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LAREDO
RN101608545**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-1063-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Laredo ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a water treatment plant located at 2519 Jefferson Street, adjacent to the Rio Grande in Laredo, Webb County, Texas (the "Facility").
2. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).

3. During a record review conducted on March 21, 2012, TCEQ staff documented that discharge monitoring reports ("DMRs") for the monitoring periods ending April 30, 2011; May 31, 2011; June 30, 2011; July 31, 2011; November 30, 2011; and December 31, 2011 were not submitted by the 20th day of the following month.
4. The Respondent received notice of the violations on April 30, 2012.
5. The Executive Director recognizes that by May 16, 2012, the Respondent submitted the DMRs for the monitoring periods ending April 30, 2011; May 31, 2011; June 30, 2011; July 31, 2011; November 30, 2011; and December 31, 2011.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to submit the DMRs for the monitoring periods ending April 30, 2011; May 31, 2011; June 30, 2011; July 31, 2011; November 30, 2011; and December 31, 2011, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010681001, Monitoring and Reporting Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Thousand Two Hundred Thirty-Three Dollars (\$1,233) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the One Thousand Two Hundred Thirty-Three Dollar (\$1,233) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Two Hundred Thirty-Three Dollars (\$1,233) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and

conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Laredo, Docket No. 2012-1063-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the timely submittal of signed and certified monthly DMRs, in accordance with TPDES Permit No. WQ0010681001; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pamela Jarama
For the Executive Director

2/21/13
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Laredo. I am authorized to agree to the attached Agreed Order on behalf of the City of Laredo, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Laredo waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Tomás H. Rodríguez Jr.
Signature

7/27/12
Date

Tomás H. Rodríguez Jr.
Name (Printed or typed)
Authorized Representative of
City of Laredo

Director Utilities Dept
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.